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VIA ECF

Hon. Judge J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Rivera, et al. v. 787 Coffee LLC, et al.

Case No. 1:22-cv-01596

Dear Judge Oetken:

This office represents Defendants in the above referenced matter. I submit this letter to request a premotion conference to compel the remaining Plaintiffs' depositions.

During the course of discovery, the parties continued a settlement discussion. As the parties have been proceeding with the depositions until around March 6, 2023. Until that time, 6 out of 11 the Plaintiffs' deposition were completed and Defendants' deposition was conducted.

As the parties wished to explore a possibility of an early resolution of the case before incurring additional fees and costs for completing the remaining 5 Plaintiffs' depositions. On or about March 7, 2023 the parties file a joint letter motion to extend the parties' deadline to complete deposition. On the same day, counsel for both parties confirmed that the remaining Plaintiffs, Isis Gamble, Maya Keating, Kienan Ludke, Allie Carter, and Nina Fink's depositions to be continued, upon the Court's permission, in the event that the Parties were unable to reach a resolution at the mediation.

On April 7, 2023 the Court granted the parties' letter motion to complete a mediation on or before April 27, 2023 and complete discovery within 3 weeks from the mediation day or by May 18, 2023. (Dkt No. 44). The parties' mediation was held on April 27, 2023 (that was unsuccessful), but Plaintiffs Isis Gamble, Maya Keating, Kienan Ludke, Allie Carter, and Nina Fink refused to participate in a deposition.

There are in total, 5 Plaintiffs to complete depositions. On May 12, 2023, Defendants' counsel followed up with Plaintiffs' counsel via email to set the dates for the remaining Plaintiffs' deposition. Plaintiffs' Counsel remained non-responsive. On May 17, 2023, Defendants' Counsel again emailed Plaintiffs' Counsel to complete the Plaintiffs' depositions as he has remained non-

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responsive¹. Plaintiffs' Counsel finally responded to Defendants' Counsel's email on the same day and expressed his unwillingness to produce the remaining Plaintiffs to participate in their depositions. Defendants' Counsel telephoned Plaintiffs' counsel after Plaintiffs' Counsel conveyed his refusal to produce the witnesses despite the Court's Order, but Defendants' Counsel was unable to speak with the Plaintiffs' Counsel.

As such, Defendants necessitate making such request with this Court to compel the remaining Plaintiffs' depositions. ² To date, the paper discovery has been completed and the only remaining discovery will be completing the remaining 5 Plaintiffs' depositions.

We thank the Court for its time and attention to this matter.

Respectfully Submitted,

Seo Law Group, PLLC

By: /s/ Diana Seo

Diana Y. Seo, Esq.

Attorneys for Defendants

cc: All counsel of record (via ECF)

¹ The undersigned firm works with Plaintiffs Counsel's firm as an opposing counsel on several cases. Plaintiffs' Counsel has been responsive to reply to emails and even participating in a mediation (on another case), but he has been non-responsive in setting deposition dates and refused to produce the 5 Plaintiffs to participate in their depositions.

² Out of abundance of precaution, Defendants inform this Court that this is Defendants' 2nd request to have an informal conference to complete the Plaintiffs' deposition. On December 21, 2022, Defendants necessitated making such request as the Plaintiffs refused to participate in a deposition. (Dkt No. 35). Since making such request, Defendants were able to complete some of the Plaintiffs' depositions, but the remaining 5 Plaintiffs still refuse to be deposed.